

MISC. CIVIL APPLICATION NO. 411 OF 1993.

Date of decision: 11.9.1996

For approval and signature

The Honourable Mr. Justice S.M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. T.R. Mishra, advocate for applicants.

Mr. B.V. Lakhia, advocate for respondent.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R.Jain,JJ.

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September 11, 1996.

Oral judgment (Per Soni, J.)

For noncompliance of the order dated 24.2.1993 passed by this Court in Misc. Civil Application No.1010 of 1991 the applicants have filed this application for action against the respondent under the Contempt of Courts Act.

Neither of the parties nor their advocates are present before the Court. However, from the affidavit filed by applicant No.1 on 16.6.1993, it appears that he has been paid Rs.3,000/- in cash and Rs.17,000/- as value of scooter delivered to him, making the total of Rs.20,000/-. Thereafter vide order dated 12.8.1993, the respondent was directed to deposit Rs.5,000/- and vide order of 16.9.1993 this Court has ordered to pay the same to applicant No.2. It is not known from the record as to what was the claim of the applicants. However, from the record it can be said that the dispute pertains to a cheque of Rs.5,000/- only which was returned dishonoured. However, in view of the fact that the respondent has paid Rs.20,000/- to applicant No.1 and Rs.5,000/- to applicant No.2 and neither of the parties are present in Court, it seems that the grievance of the applicants is satisfied. In our opinion, therefore, not only the grievance is satisfied but the contempt is also purged by the respondent. Hence, nothing now survives in this petition and the petition deserves to be rejected.

In the result, the petition is rejected. Rule is discharged. No order as to costs.